

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

MEGAN L. RINDERKNECHT,	:	APPEAL NO. C-110626
	:	TRIAL NO. DR-0902415
Plaintiff-Appellant,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
RICHARD M. SHERMAN,	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 2, App.R. 11.1(E); 1<sup>st</sup> Dist. Loc.R. 11.1.1.

In four assignments of error, plaintiff-appellant Megan Rinderknecht appeals the trial court's judgment entering a divorce decree that ended her ten-month marriage to defendant-appellee Richard Sherman. For the following reasons, we affirm.

In her first assignment of error, Rinderknecht asserts that the trial court erred when it failed to consolidate her first divorce action, filed in 2008, with the case currently on appeal. There is no motion to consolidate in the record. And we find no plain error. *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 679 N.E.2d 1099 (1997), syllabus. This assignment of error is overruled.

In her second assignment of error, Rinderknecht claims that the trial court erred when it did not allow her to review a transcript of the proceedings that had been conducted before a magistrate prior to closing argument on Sherman's

objections to the magistrate's decision. Rinderknecht had had two months to secure the transcript and failed to do so. And Rinderknecht never moved the court for additional time to obtain and to review it. We find no error. *Id.* Rinderknecht's second assignment of error is overruled.

In her third and fourth assignments of error, Rinderknecht claims that the trial court abused its discretion when it modified the magistrate's award. The magistrate had awarded Rinderknecht \$32,171.50 in marital funds and \$25,000 in attorney's fees. The trial court modified Rinderknecht's property award to \$6,476 and denied Rinderknecht's request for attorney fees. We find that the trial court's property award is supported by the evidence and stipulations of counsel. Further, the trial court properly concluded that the parties had failed to properly preserve the issue of attorney fees from the 2008 proceeding, and that the current case did not warrant an award of attorney fees to Rinderknecht. Accordingly, we find no abuse of discretion. *Neville v. Neville*, 99 Ohio St.3d 275, 2003-Ohio-3624, 791 N.E.2d 434, ¶ 5; *Lemarr v. Lemarr*, 1st Dist. No. C-100706, 2011-Ohio-3682, ¶ 13; *see also* R.C. 3105.171; R.C. 3105.73. Rinderknecht's third and fourth assignments of error are therefore overruled.

The trial court's judgment is affirmed.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HILDEBRANDT, P.J., HENDON and CUNNINGHAM, JJ.**

To the clerk:

Enter upon the journal of the court on October 10, 2012  
per order of the court \_\_\_\_\_.  
Presiding Judge